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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF:

Mario Bourdon, et al.

U.S. Serial No.: 09/701,162

International Application No.: PCT/US98/257/91

Filed: November 22, 2000

For: INHIBITION OF TUMOR GROWTH BY  
MACROPHAGE INTERVENTION

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

Certificate of Express Mailing

I, Patricia Muñoz, hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail, Mailing Label No. EV 084235467 US to Addressee service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Box PCT, Washington D.C. 20231, Attention: Office of PCT Legal Administration on June 20, 2002

By:

Patricia Muñoz

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Attention: Office of PCT Legal Administration

TRANSMITTAL LETTER

Transmitted herewith for filing are the following:

1. Third Renewed Petition Under 37 C.F.R. §1.47(a);
2. Copy of the Declaration and Power of Attorney for Patent Application;
3. Copy of the Notification of Defective Reply dated June 7, 2002; and
4. Return postcard.

Applicants believe that no fee is required. However, if any fees are required, please charge the requisite fee, as set forth in 37 C.F.R. § 1.17(h), for the filing of this transmittal


letter with accompanying documents to deposit account no. 03-3975, order no.

051503/0278735. A duplicate of this transmittal letter is enclosed for accounting purposes.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: 6-20-02

  
Robert M. Bedgood  
Reg. No. 43,488

**Please send all correspondence to:**  
11682 El Camino Real, Suite 200  
San Diego, CA 92130  
Telephone: (619) 234-5000  
Facsimile: (858) 509-4010  
Direct Line: (858) 509-4065

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION Of: ) Group Art Unit: Not yet assigned

Mario Bourdon, et al. ) Examiner: Not yet assigned

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By:   
Patricia Muñoz

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Attention: Office of PCT Legal Administration

**THIRD RENEWED PETITION UNDER 37 C.F.R. §1.47(a)**

Responsive to the Notification of Defective Reply dated June 7, 2002, Applicant's submit a Third Renewed Petition for acceptance of the above-identified application under 37 C.F.R. § 1.47(a), in which one co-inventor refuses to join in the application. Reconsideration of the Renewed Petition on the merits is respectfully requested.

The undersigned acknowledges that Item (1) of the Decision on Petition Under 37 C.F.R. 1.47(a) dated February 5, 2002 has been met and that Items (2) and (3) of the Decision on Petition dated April 26, 2002 have also been met.

The undersigned respectfully submits a complete copy of the Declaration executed by the inventors. Accordingly, Applicants request that the Petition under 37 C.F.R. § 1.47(a) be granted and that the application be accepted.


The undersigned declares that all statements made herein on personal knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code on that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Applicants believe that no fee is required. However, if any fees are required, please charge the requisite fee, as set forth in 37 C.F.R. § 1.17(h), for the filing of this Third Renewed Petition to deposit account no. 03-3975.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: 6-20-02

  
Robert M. Bedgood  
Reg. No. 43,488

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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Robert M. Bedgood  
Pillsbury Winthrop LLP  
50 Fremont St.  
San Francisco, CA 94120

In re Application of :  
BOURDON, Mario A., et al. :  
Application No.: 09/701,162 :  
PCT No.: PCT/US98/25791 :  
Int. Filing Date: 04 December 1998 :  
Priority Date: 05 December 1997 :  
Attorney Docket No.: LJEM110-1 :  
For: INHIBITION OF TUMOR GROWTH :  
BY MACROPHAGE INTERVENTION :

NOTIFICATION

OF


DEFECTIVE REPLY


This Notification is in response to applicants' "Second Renewed Petition Under 37 CFR §1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 23 May 2002.

In the decisions mailed 05 February 2002 and 26 April 2002, applicants were required to submit the complete declarations as executed by the inventors. Thus submission of a single page 2 is an incomplete reply to the 26 April 2002 decision.

The time period for furnishing the proper reply to the decision mailed on 26 April 2002 continues to run from the date set in that decision. **Failure to timely file the proper reply to the 26 April 2002 decision will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.

  
Boris Milef  
PCT Legal Examiner  
PCT Legal Administration

  
Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: (703) 305-0455  
Facsimile: (703) 308-6459

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JUN 17 2002  
SH

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on November 22, 2000 as United States Application No. or PCT International Application Number 09/701,162 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

**60/067,591**

**December 5, 1997**

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

US98/25791

**December 4, 1998**

## Abandoned

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

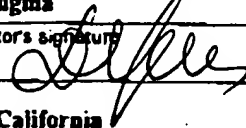
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Paul N. Kokulis	16773	Kendrew H. Conon	30368	Roger R. Wise	31204	Anthony L. Miele	34393
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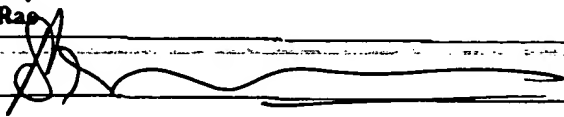
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Full name of fourth inventor, if any <b>Per Borgstrom</b>	
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Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	